

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

**JASON CISZEWSKI,**

Plaintiff,

v.

**DENNY'S CORPORATION**, a Delaware  
corporation,

Defendant.

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Civil Action No. 1:09-cv-05355

Judge Matthew F. Kennelly

**NOTICE OF MOTION**

PLEASE TAKE NOTICE that on Wednesday, November 11, 2009 at 9:30 a.m., we shall appear before the Honorable Matthew F. Kennelly, or any judge sitting in his stead, in Courtroom 2103 of the United States District Court for the Northern District of Illinois, Eastern Division, 219 South Dearborn Street, Chicago, Illinois and then and there present the ***Motion to Intervene by Plaintiff in First-Filed Action*** and ***Memorandum in Support of Motion to Intervene***.

Dated: November 5, 2009

Respectfully submitted,

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***Attorneys for Plaintiff Nick DeBenedetto, on  
behalf of himself and others similarly  
situated***

**CERTIFICATE OF SERVICE**

I, Anthony F. Fata, one of the attorneys for plaintiff, hereby certify that on November 5, 2009, service of the *Notice of Motion, Motion to Intervene by Plaintiff in First-Filed Action and Memorandum in Support of Motion to Intervene* was accomplished pursuant to ECF as to Filing Users and I shall comply with LR 5.5 as to any party who is not a Filing User or represented by a Filing User.

s/ Anthony F. Fata  
Anthony F. Fata